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ADVANCEMENT OF WOMEN

Traffic in women and girls

Report of the Secretary-General

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I. INTRODUCTION

1. In its resolution 49/166 of 23 December 1994 on traffic in women and girls, the General Assembly expressed its grave concern over the worsening problem of trafficking in women and girl children, particularly the internationalization of the traffic, and requested that Governments, relevant United Nations bodies and specialized agencies, as well as intergovernmental and non-governmental organizations, take a number of specific steps to address the problem. Among other measures, the Assembly encouraged States to consider ratifying the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others (resolution 317 (IV), annex) and other relevant international instruments, and invited further consideration of the problem by the Special Rapporteur of the Commission on Human Rights on violence against women, the Working Group on Contemporary Forms of Slavery of the Subcommission on Prevention of Discrimination and Protection of Minorities, the World Summit for Social Development, the Fourth World Conference on Women: Action for Equality, Development and Peace and the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders. The Assembly requested the Secretary-General to submit to the Assembly at its fiftieth session a preliminary report on the implementation of the resolution.

II. TRAFFICKING: NATURE AND SCOPE OF THE PROBLEM AND RECENT DEVELOPMENTS

2. Trafficking has been a long-standing concern of the United Nations. The importance of traffic in persons has increased and taken new forms in recent years because of changes in the global economy. Trafficking, which mainly affects women, has become a world-wide phenomenon and is often highly organized. The focus of attention has increasingly shifted to international dimensions of trafficking and away from the issue as a purely domestic concern.

3. The Convention on the Elimination of All Forms of Discrimination against Women (resolution 34/180, annex), in article 6 calls upon States parties to "take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women". This article is first and foremost addressed to those who profit from the sexual exploitation of girls and women. The Convention, which entered into force on 3 September 1981, is the most comprehensive document on women's rights in existence. As of 24 July 1995, 96 States had signed the Convention and 143 had ratified or acceded to it.

4. Trafficking also affects children, in particular girl children, with regard to sexual exploitation, child labour, intercountry adoption and other forms of illegal activities and/or exploitation. The Convention on the Rights of the Child (resolution 44/25, annex), adopted by the General Assembly in 1989 and since ratified by 177 States, is an international instrument that promotes and protects the human rights of children in different areas (civil, cultural, economic, political and social rights). This Convention specifically addresses the issue of trafficking in its article 35:

"States Parties shall take all appropriate national, bilateral and multilateral measures to prevent the abduction of, the sale of or traffic in children for any purpose or in any form."

The Convention protects children from being victims of any form of trafficking and also guarantees their protection from trafficking in several other articles, including: article 3, dealing with the best interest of the child; article 11, dealing with illicit transfer and non-return; article 21, on adoption; article 32, on child labour; article 34, on sexual exploitation; article 36, dealing with other forms of exploitation; and article 39, dealing with physical and psychological rehabilitation.

5. Prohibitions against trafficking in women have been set forth by international conventions beginning with the International Agreement of 18 May 1904 for the Suppression of the White Slave Traffic, and include the International Convention of 4 May 1910 for the Suppression of the White Slave Traffic, the International Convention of 30 September 1921 for the Suppression of the Traffic in Women and Children, the 1926 Slavery Convention and the 1949 Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others (resolution 317 (IV), annex). Under the 1949 Convention, the States parties agreed, in article 1: "to punish any person who, to gratify the passions of another: 1. Procures, entices or leads away, for purposes of prostitution, another person, even with the consent of that person; 2. Exploits the prostitution of another person, even with the consent of that person." In the preamble, it declares that prostitution and traffic in persons are "incompatible with the dignity and worth of the human persons and endanger the welfare of the individual, the family and the community". The 1949 Convention was elaborated before the contemporary extensive system of treaty-based human rights protection existed within the United Nations.

6. The linkage between trafficking and the violation of women's human rights has also been clearly established. The Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights on 25 June 1993, 1/ states that "Gender-based violence and all forms of sexual harassment and exploitation, including those resulting from cultural prejudice and international trafficking, are incompatible with the dignity and worth of the human person, and must be eliminated." The Declaration on the Elimination of Violence against Women (resolution 48/104) includes in article 2, the following definition: "Physical, sexual and psychological violence occurring within the general community, including rape, sexual abuse, sexual harassment and intimidation at work, in educational institutions and elsewhere, trafficking in women and forced prostitution". The Commission on Human Rights, in paragraph 4 of its resolution 1994/45 listed trafficking among the forms of violence against women and as a violation of their human rights and called for its elimination.

7. The increasing international dimension of trafficking of women and girls was raised in the report of the Secretary-General to the General Assembly at its forty-ninth session on violence against women migrant workers (A/49/354).

8. As part of its response to that report, the General Assembly, in its resolution 49/166, condemned the "illicit and clandestine movement of persons across national and international borders, largely from developing countries and

some countries with economies in transition, with the end goal of forcing women and girl children into sexually or economically oppressive and exploitative situations for the profit of recruiters, traffickers and crime syndicates, as well as other illegal activities related to trafficking, such as forced domestic labour, false marriages, clandestine employment and false adoption". While focusing on international dimensions of trafficking, the Assembly goes beyond a narrow view of trafficking only for the purpose of prostitution to incorporate other aspects of forced labour and deceptive practices.

9. In addition to the World Conference on Human Rights, other recent United Nations conferences have included the issue of trafficking in their final documents. In its Programme of Action, the International Conference on Population and Development, held at Cairo from 5 to 13 September 1994, stated: 2/

> "All States and families should give the highest possible priority to children. The child has the right to standards of living adequate for its well-being and the right to the highest attainable standards of health, and the right to education. The child has the right to be cared for, guided and supported by parents, families and society and to be protected by appropriate legislative, administrative, social and educational measures from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sale, trafficking, sexual abuse and trafficking in its organs." (Principle 11)
>
> "...
>
> "4.9. Countries should take full measures to eliminate all forms of exploitation, abuse, harassment and violence against women, adolescents and children. This implies both preventive actions and rehabilitation of victims. Countries should prohibit degrading practices, such as trafficking in women, adolescents and children and exploitation through prostitution, and pay special attention to protecting the rights and safety of those who suffer from these crimes and those in potentially exploitable situations, such as migrant women, women in domestic service and schoolgirls. In this regard, international safeguards and mechanisms for cooperation should be put in place to ensure that these measures are implemented."
>
> "...
>
> "7.39. Active and open discussion of the need to protect women, youth and children from any abuse, including sexual abuse, exploitation, trafficking and violence, must be encouraged and supported by educational programmes at both national and community levels. Governments should set the necessary conditions and procedures to encourage victims to report violations of their rights. Laws addressing those concerns should be enacted where they do not exist, made explicit, strengthened and enforced, and appropriate rehabilitation services provided. Governments should also prohibit the production and the trade of child pornography."

"...

"10.16. The objectives are:

"...

"(c) To prevent all international trafficking in migrants, especially for the purposes of prostitution;"

"...

"10.18. Governments of both receiving countries and countries of origin should adopt effective sanctions against those who organize undocumented migration, exploit undocumented migrants or engage in trafficking in undocumented migrants, especially those who engage in any form of international traffic in women, youth and children. Governments of countries of origin, where the activities of agents or other intermediaries in the migration process are legal, should regulate such activities in order to prevent abuses, especially exploitation, prostitution and coercive adoption."

10. In commitment 6 of the Copenhagen Declaration on Social Development 3/ the World Summit for Social Development stated:

"At the international level, we will:

"...

"(y) Intensify and coordinate international support for education and health programmes based on respect for human dignity and focused on the protection of all women and children, especially against exploitation, trafficking and harmful practices, such as child prostitution, female genital mutilation and child marriages."

11. In the Programme of Action, 4/ the World Summit stated:

"17. International support for national efforts to promote a favourable political and legal environment must be in conformity with the Charter of the United Nations and principles of international law and consistent with the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations. Support calls for the following actions:

"...

"(b) Coordinating policies, actions and legal instruments and/or measures to combat terrorism, all forms of extremist violence, illicit arms trafficking, organized crime and illicit drug problems, money laundering and related crimes, trafficking in women, adolescents, children, migrants and human organs, and other activities contrary to human rights and human dignity;"

"...

"63. There is need for intensified international cooperation and national attention to the situation of migrant workers and their families. To that end:

"...

"(d) Governments of both receiving countries and countries of origin should adopt effective sanctions against those who organize undocumented migration, exploit undocumented migrants or engage in trafficking in undocumented migrants;"

"...

"78. In order to address the concerns and basic human needs related to undocumented migrants:

"(a) Governments are urged to cooperate in reducing the causes of undocumented migration, safeguarding the basic human rights of undocumented migrants, preventing their exploitation and offering them appropriate means of appeal according to national legislation and punishing criminals who organize trafficking in human beings;"

"...

"79. Addressing the problems created by violence, crime, substance abuse and the production, use and trafficking of illicit drugs, and the rehabilitation of addicts requires:

"(k) Combating trafficking in women and children through national and internationally coordinated measures, at the same time establishing or strengthening institutions for the rehabilitation of the victims of the trafficking of women and children."

12. At its thirty-ninth session, the Commission on the Status of Women adopted resolution 39/6 on traffic in women and girls. 5/ In addition to including similar provisions to those adopted by the General Assembly, the Commission invited Governments to combat trafficking in women and children through nationally and internationally coordinated measures, at the same time establishing or strengthening institutions for the protection of the victims of trafficking and to ensure for victims the necessary assistance, including legal support services that are linguistically and culturally accessible, towards their full protection, treatment and rehabilitation; and to consider the development of standard minimum rules for the humanitarian treatment of trafficked persons, consistent with internationally-recognized human rights standards. It welcomed the adoption of resolution 1994/5 by the Subcommission on Prevention of Discrimination and Protection of Minorities recommending that Governments adopt legislation to prevent child prostitution and child pornography. It also drew attention to the report of the Special Rapporteur of the Commission on Human Rights on the sale of children, child prostitution and child pornography. It requested the Secretary-General to focus the

International Day for the Abolition of Slavery, 2 December 1996, on the problem of trafficking in human persons, especially women and children, and to devote one meeting of the fifty-first session of the General Assembly to the discussion of the problem.

13. In regional preparatory conferences for the Fourth World Conference on Women, the issue of trafficking has been raised in those of Asia and the Pacific, Latin America and the Caribbean. In the Jakarta Plan of Action adopted by the regional conferences for Asia and the Pacific, Europe and Latin America and the Caribbean, Governments included, among actions to be taken:

> "Child prostitution and forced prostitution must be made illegal and heavy punishment imposed on traffickers and agents. Laws should be reformulated to shift the bias against prostitutes that currently exists in many countries." (para. E.1.x.)

14. The Regional Programme of Action for the Women of Latin America and the Caribbean, 1995-2001 states:

> "Promoting the adoption and implementation of an international convention against all forms of overt and covert sexual exploitation, including sex tourism and child prostitution, which provides for the establishment of social services to assist victims of all forms of sexual exploitation and for the prosecution of traffickers and managers of the sex industry." (strategic action V.1.g)

15. The Regional Platform of Action - Women in a Changing World - Call for Action from an ECE Perspective, adopted by the European region, states:

> "Special measures should be adopted to eliminate trafficking in women and to assist women and children victims of sex trade, sexual violence, forced prostitution and forced labour, with special attention to migrant women. Countries of origin and recipient countries should enforce existing legislation in order to protect the rights of women and girl victims and to sanction the offenders. Specific actions should be developed at the intergovernmental level to prevent further abuse, including the dismantling of international networks of trafficking. Special measures for the social, medical and psychological care of these victims should be designed based on cooperation between Governments and non-governmental organizations." (para. 84)

16. The draft Platform for Action to be adopted by the Fourth World Conference on Women (A/CONF.177/L.1) includes strategic objective D.3, "Adopt special measures to eliminate trafficking in women and to assist female victims of violence due to prostitution and trafficking", which includes the following actions, most of which were adopted during the thirty-ninth session by the Commission on the Status of Women acting as preparatory committee for the Fourth World Conference on Women:

"Actions to be taken

"131. By Governments of countries of origin, transit and destination, regional and international organizations, as appropriate:

"(a) Consider the ratification and enforcement of international conventions on trafficking in persons and on slavery;

"(b) Take appropriate measures to address the root factors, including external factors, that encourage trafficking in women and girls for prostitution, [other commercial sex work], forced marriages and forced labour in order to eliminate trafficking in women, including by strengthening existing legislation with a view to providing better protection of the rights of women and girls and to punishing the perpetrators, through both criminal and civil measures;

"(c) Step up cooperation and concerted action by all relevant law enforcement authorities and institutions with a view to dismantling [national and international] networks in trafficking;

"(d) [Allocate resources to provide comprehensive programmes designed [to heal victims of trafficking] including through job training, legal assistance and confidential health care] and take measures to cooperate with non-governmental organizations to provide for the social, medical and psychological care of the victims of trafficking;

"(e) Develop educational and training programmes and policies and consider enacting legislation aimed at preventing sex tourism and trafficking, giving special emphasis to the protection of young women and children."

17. Trafficking across international borders is by definition illegal. The very nature of undocumented status makes illegal migrants vulnerable to various forms of exploitation. The question must be asked, however, whether trafficking is the same as illegal migration. It would seem that the two are related, but different. Migration across frontiers without documentation does not have to be coerced or exploitative. At the same time, persons can be trafficked with their consent. A distinction could be made in terms of the purpose for which borders are crossed and whether movement occurs through the instrumentality of another person. Under this distinction, trafficking of women and girls would be defined in terms of "the end goal of forcing women and girl children into sexually or economically oppressive and exploitative situations" and the fact that it is done "for the profit of recruiters, traffickers and crime syndicates" (General Assembly resolution 49/166).

18. The analysis of how trafficking is being approached in recent international declarations, programmes of action and resolutions suggests that there is still some ambiguity in how the issue should be addressed and whether, in terms of the increasingly international dimensions of the problem, the existing international instruments are effective or whether they need to be reviewed.

III. ACTIVITIES OF UNITED NATIONS BODIES AND AGENCIES TO ADDRESS THE PROBLEM OF TRAFFICKING

19. The issue of trafficking is now being addressed in a variety of different intergovernmental and other United Nations forums. An examination of how this takes place indicates both the potential of the United Nations to deal with the issue and the need for a greater degree of coordination.

20. The Commission on the Status of Women has had, periodically, a concern with trafficking and with prostitution. Most recently the issue has arisen in the context of drafting the Declaration on the Elimination of Violence against Women. At its thirty-ninth session, the Commission adopted resolution 39/6 as noted in paragraph 12 above.

21. The Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child are the two human rights treaties that specifically address trafficking, as noted above. The Committee on the Elimination of Discrimination against Women, in examining periodic reports of States parties to the Convention has addressed the issue of trafficking. An analysis of the Convention's article 6 notes that most States parties report the enactment of laws prohibiting and penalizing all forms of traffic in women and the exploitation of prostitution. The Committee focused on the legal situation, particularly prohibition, criminalization, prosecution and punishment as it relates to the prostitute, the client and any third person profiting from the prostitution of others. Most States parties do not favour prohibition of prostitution, but rather social measures to prevent it. Attention has been focused on the position of prostitutes, including the exercise of human rights, rather than on measures taken to prevent the trafficking of women.

22. The analysis, together with other information, led the Committee to adopt in 1992 general recommendation 19 dealing with violence against women. 6/ In paragraph 14 of the general recommendation, relating to article 6 of the Convention, it is stated that:

> "Poverty and unemployment increase opportunities for trafficking in women. In addition to established forms of trafficking there are new forms of sexual exploitation, such as sex tourism, the recruitment of domestic labour from developing countries to work in developed countries and organized marriages between women from developing countries and foreign nationals. These practices are incompatible with the equal enjoyment of rights by women and with respect for their rights and dignity. They put women at special risk of violence and abuse."

23. Although the Committee has tried to define the scope of traffic in women and exploitation of the prostitution of women, it has not clarified what kind of reporting is expected from the States parties in the implementation of article 6.

24. The Committee on the Rights of the Child, a 10-member expert body that monitors the implementation of the Convention on the Rights of the Child, regularly addresses the question of trafficking in children, including girls,

during the review of State party reports, i.e., sexual exploitation, including prostitution; sex tourism and pornography; child labour, including slavery and forced labour; and intercountry adoption.

25. In some of its concluding observations on State parties reports, which it began to examine in 1992, the Committee explicitly stated the need to fight against trafficking in children. Thus, in countries where cases of abuse, sale or traffic in children exist in relation to intercountry adoption, the Committee has usually suggested to the Government to ratify the Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption (1993) (see para. 41 below). The Committee has also expressed its concern on reports of the forced labour of children, the exploitation of child labour in the informal and agricultures sectors and the trafficking of children which have been brought to its attention.

26. The 1949 Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, in addition to requiring protection for all persons against trafficking and exploitation of prostitution, in its article 21, requires States parties to:

> "... communicate to the Secretary-General of the United Nations such laws and regulations as have already been promulgated in their States, and thereafter annually such laws and regulations as may be promulgated, relating to subjects of the present Convention, as well as all measures taken by them concerning the application of the Convention. The information received shall be published periodically by the Secretary-General and sent to all Members of the United Nations and to non-member States ..."

27. The Convention currently has 69 States parties. Ratification, accession or succession to the Convention has been slow, if steady. Between 1949 and 1960, 27 States became party; between 1961 and 1970, 11 States; between 1971 and 1980, 10; and between 1981 and 1990, 11. Since 1990, 10 more States have become party, although 6 of these were successors to States that had previously been party.

28. Reports relating to the implementation of the Convention are considered by the Working Group on Contemporary Forms of Slavery of the Subcommission on Prevention of Discrimination and Protection of Minorities of the Commission on Human Rights. The mandate of the Working Group comprises a review of developments in the field of slavery, examination of any information from credible sources on the subject and recommendations for remedial action (Economic and Social Council decision 16 (LVI) of 17 May 1974). The United Nations Voluntary Trust Fund on Contemporary Forms of Slavery was established by the General Assembly at its forty-sixth session in 1991 (General Assembly resolution 46/122 of 17 December 1991). The purpose of the Fund is to assist representatives of non-governmental organizations dealing with contemporary forms of slavery to participate in the Working Group. The Fund should also extend assistance, humanitarian, legal and financial aid to individuals whose human rights have been severely violated as a result of contemporary forms of slavery.

29. The Commission on Human Rights itself has recently dealt with the issue. In its resolution 1995/25 of 3 March 1995, entitled "Traffic in women and girls", the Commission urged Governments to combat the problem of trafficking in women and girls to insure that victims were provided with assistance, support, legal advice, protection, treatment and rehabilitation. It was recommended that the problem be considered in implementation of all relevant international instruments.

30. The Special Rapporteur of the Commission on Human Rights on violence against women considered the issue of prostitution and trafficking in her preliminary report, submitted to the Commission on Human Rights in accordance with resolution 1994/45 of 4 March 1994. She described the nature of the problem as being the economic exploitation, health hazards and lack of health care, appalling work conditions, vulnerability to violence and lack of legal protection for women who are trafficked for the purposes of prostitution. The Special Rapporteur noted that the increase in international trafficking of women and recruitment of younger and younger girls "in many parts of the world is linked, among other things, to the increasing fear of HIV/AIDS (and the perceived need therefore to recruit untainted blood), the increase of sex tourism ... and continuing societal condonation of the imperatives of male sexuality ... Women who are trafficked are by and large not aware of what awaits them ... the larger percentage of trafficked women are sold into bondage by their parents, husbands, boyfriends ... or they are deceived or coerced." These practices thrive despite legal prohibitions and regulations owing in some measure to the complicity of policies and other enforcement officials.

31. The Special Rapporteur recommended that States be actively encouraged to accede to the International Covenant on Civil and Political Rights, the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, and the Convention on the Elimination of All Forms of Discrimination against Women. On the basis of her findings and the extensive materials and documentation received from varied sources on this issue, the Special Rapporteur is intending to carry out a field mission in the course of 1996 on the issue of trafficking and forced prostitution in women and girls.

32. Regarding the implementation of article 6 of the Convention on the Elimination of All Forms of Discrimination against Women, the Special Rapporteur suggested that measures taken to combat trafficking could include legislation to prosecute all persons involved in exploitation of women through prostitution and trafficking, including brothel owners, pimps and airlines; increasing the statutory age for rape to 18 and actively prosecuting clients who violate this law; and establishing commissions of inquiry to investigate allegations of abuse and complicity by government agents.

33. The Special Rapporteur further emphasized the need to monitor employment, recruitment, advertising and pornography agencies to stop the recruitment of young girls into prostitution. While some groups argue for legalized prostitution regulated by health and labour laws as a way to decrease trafficking, *forced prostitution* and related abuses, the Special Rapporteur noted that "most societies and cultures ... believe that moral condemnation and

criminalizing activity associated with prostitution and trafficking are the only means available for eradicating violence against women in this sphere".

34. In his report to the General Assembly at its forty-ninth session (A/49/478, annex), the Special Rapporteur of the Commission on Human Rights on the sale of children, child prostitution and child pornography emphasized that child prostitution was an enormous national and international issue. He reported that INTERPOL had established a Standing Working Party on Offences against Minors to improve transnational cooperation in preventing and combating child exploitation. He reviewed the serious problem of child prostitution and reported a number of activities to increase awareness and counter trafficking of children for the purposes of prostitution. The Special Rapporteur noted that the problem of trafficking and prostitution of girls had been given greater attention in recent years in a number of countries.

35. Under the crime prevention and criminal justice programme, the Commission on Crime Prevention and Criminal Justice and the Ninth Congress on the Prevention of Crime and the Treatment of Offenders have considered trafficking but have not addressed particular gender aspects of the issue. One approach is the consideration of traffic in girls and boys, reflected in Commission resolution 3/2 on "International traffic in minors". 7/ This topic was also a priority at the Ninth Congress, where international cooperation for the prosecution of illicit traffic in children had been solicited (resolution 7).

36. During the fourth session of the Commission, attention was focused on the complicity of organized criminal activities in the illegal trafficking in minors. In document E/CN.15/1995/4, on the world situation with regard to international traffic in minors, the Secretary-General concluded that the international traffic in minors was a serious criminal offence that was conducted basically by criminal organizations with international connections. The Commission prepared a draft resolution for the Economic and Social Council requesting that the Secretary-General initiate the views of Member States on an international convention on traffic in children.

37. At the same session of the Commission, a note by the Secretariat on additional measures to combat alien-smuggling also highlighted women as an especially vulnerable group of smuggled illegal migrants ((E/CN.15/1995/3, paras. 9, 12 and 13). This issue has also been raised in the context of organized smuggling of illegal migrants. On the recommendation of the Commission, the Economic and Social Council adopted resolution 1994/14 of 25 July 1994. At its fourth session, the Commission also recommended draft resolution E/CN.15/1995/L.4 dated 24 July 1995 on criminal justice action to combat the organized smuggling of illegal migrants across national boundaries for adoption by the Council. In the resolution (1995/10), the Council determined that the problem required international scrutiny and requested that Member States review and reinforce laws to combat all aspects of trafficking and penalize traffickers.

38. The available data on forced prostitution and trafficking were reviewed for The World's Women 1995: Trends and Statistics and summarized in the section on violence against women. The data, while limited, suggested that these problems

are widespread in many countries and that little attention was being given by Governments to improving measurement techniques and data sources.

39. At the regional level, the Economic and Social Commission for Asia and the Pacific (ESCAP) has included activities related to the issue in its programme. For example, in 1991, it organized a workshop on the promotion of community awareness for the prevention of prostitution (ST/ESCAP/1078).

IV. DEVELOPMENTS REGARDING THE ISSUE OF TRAFFICKING OUTSIDE THE UNITED NATIONS

40. Trafficking has been given attention by other intergovernmental bodies, especially in Europe. The Council of Europe held a seminar at Strasbourg in 1991 on action against traffic in women and forced prostitution as violations of human rights and human dignity and a working conference at Amsterdam in July 1991 on trafficking in women. The conference was attended by non-governmental organizations from 14 European countries. Conference participants concluded that the widening gap between rich and poor countries increased the vulnerability of women from third world countries to trafficking and abuse and that strategies should aim to empower women rather than control or suppress abuse and violence, since efforts at control and suppression often led to negative consequences for trafficked women. They called for a new international convention against traffic in persons to replace the 1949 Convention (see para. 5), measures coordinated among European countries to safeguard the rights of trafficked women while prosecuting traffickers and support for national groups and organizations to increase awareness of the problem and develop policies to combat trafficking. They recommended international collaboration for the support of grass-roots organizations to offer education and legal and social assistance to women considering migration and to migrant prostitutes. The participants noted that law enforcement, government, health and judicial systems that ignored the situation of trafficked women and girls, that punished complaints by deportation, that failed to prosecute traffickers and exempted illegal migrants from equal protection under the law made trafficking easier and more profitable and violated the human rights of women. Businesses, including hotels, entertainment and airlines, that promoted and benefit from sex tourism contributed to trafficking in women and girls.

41. The Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption (1993) is an international instrument whose goal it is to regulate intercountry adoption through international cooperation so that cases of abuse, sale and trafficking linked to this activity can be eliminated. This treaty was adopted on 1 May 1993, and as at 1 September of the same year, 4 States had ratified this international instrument and 15 had signed it.

42. The International Workshop on International Migration and Traffic in Women, held in Thailand in October 1994, was organized by the Foundation for Women, Thailand, the Women's Studies Centre, Chiangmai, and the Women and Autonomy Centre of Leiden University in the Netherlands. It was a forum for non-governmental organizations from a variety of countries that reviewed the experiences of trafficked women, studies conducted in three sending countries

and four receiving countries and papers presented on the problem in a dozen countries and regions. As one outcome of the workshop, the Global Alliance Against Traffic in Women was formed. Subsequently, the Global Alliance submitted a statement on prostitution and trafficking to the Special Rapporteur on violence against women at Geneva in February 1995.

43. The Ministry of Foreign Affairs of the Netherlands, the Department of the Law of International Organizations and the Netherlands Institute of Human Rights of Utrecht University and the Centre of Human Rights of the University of Limburg organized a conference at Utrecht from 15 to 19 November 1994 on combatting traffic in persons. The conference suggested in its final conclusions that the Commission on Human Rights should establish a thematic special rapporteur or a thematic working group on traffic in persons. It also suggested that the Commission consider the usefulness of the Working Group on Contemporary Forms of Slavery and, if appropriate, consider strengthening its mandate. 8/

44. The Coalition against Trafficking in Women with its long-standing concern about the issue of trafficking, has undertaken a number of activities. The Coalition, in collaboration with UNESCO, brought together a group of experts to elaborate a convention broadly prohibiting sexual exploitation and asking that States suppress all prostitution, sex tourism, mail order bride markets, and trafficking in women.

V. CONCLUSIONS

45. The concern with trafficking in women as an international problems is growing, and being considered in a variety of different forums. The problem has been addressed, variously, in terms of: (a) its human rights dimensions, including as discrimination against women and violence against women; (b) migration and its regulation; (c) crime prevention; and (d) social services. In most cases, the aspects have been considered separately and at least four subsidiary bodies of the Economic and Social Council (the Commission on Human Rights, the Commission on the Status of Women, the Commission on Population and Development and the Commission on Crime Prevention and Criminal Justice) have indicated a legislative interest in the problem. At least two international treaties, the 1949 Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others and the Convention on the Elimination of All Forms of Discrimination against Women address the issue. In addition, the Convention on the Rights of the Child stipulates that States must take all necessary measures to prevent the trafficking in girls, in particular through preventive measures such as education and training of special professional groups and rehabilitation policies.

46. Steps requested by General Assembly resolution 49/166, including the gathering and sharing of information about all aspects of traffic in women and girls, efforts to increase public awareness, the adoption of measures to prevent traffic and establish sanctions against traffickers and the provision of support, legal advice, protection, treatment and rehabilitation for victims of trafficking, all imply the desirability of a comprehensive approach to the issue.

47. In the light of the various injunctions arising from recent international conferences including, most recently, the Fourth World Conference on Women, it might be desirable to undertake a full appraisal of the most appropriate means to ensure the desired comprehensive approach to the issue. This could include the preparation of a comprehensive report by the Secretary-General on measures to address international trafficking, including information needs and availability, adequacy of existing international instruments and means of harmonizing different approaches to aspects of the problem, both at the intergovernmental and the inter-secretariat levels.

Notes

1/ Report of the World Conference on Human Rights, Vienna, 14-25 June 1993 (A/CONF.157/24 (Part I), chap. III, sect. I, para. 18.

2/ See A/CONF.171/13, chap. I, resolution 1, annex.

3/ See A/CONF.166/9, chap. I, resolution 1, annex I.

4/ Ibid., annex II.

5/ Official Records of the Economic and Social Council, 1995, Supplement No. 6 (E/1995/26), chap. I, sect. C.

6/ Official Records of the General Assembly, Forty-seventh Session, Supplement No. 38 (A/47/38), chap. I.

7/ Official Records of the Economic and Social Council, 1994, Supplement No. 11 (E/1994/31), chap. I.C.

8/ Netherlands Institute of Human Rights, Combating Traffic in Persons, Proceedings of the Conference on Traffic in Persons, Utrecht and Maastricht, 15-19 November 1994, Special No. 17, Utrecht, 1995.